

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal Action No. 06-00216-01/02-CR-W-DW

v.

JAMES E. ALDRIDGE, JR.,  
SHIRLEY ALDRIDGE,

Defendants.

MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE

**PENDING CHARGE:**

Defendants are charged in a five count indictment with filing false income tax returns for the years 2000-2004.

The following matters were discussed and action taken during the pretrial conference:

**TRIAL COUNSEL:**

Government: William Meiners

Case Agent: Special Agent Jeff Trogden of the IRS and Elsie Marco a financial analyst in the United States Attorneys Office

Defense: Joe Izen, Jr. and Ladarron Williams

**OUTSTANDING MOTIONS:** Motion to Dismiss Indictment (doc # 29) and Motion to Suppress (doc #30). Reports and Recommendations have been issued with respect to both of these motions.

Motion in Limine and to Strike Surplusage (doc # 51)

**TRIAL WITNESSES:**

Government: 12 with stipulations; 45 without stipulations

Defendants: 6-7 witness, possibly the defendants. Defendant also has three potential experts, but only for possible rebuttal purposes.

**TRIAL EXHIBITS**

Government: 328 exhibits which fall into three basic categories: bank records from financial institutions which include deposits and checks; records produced by defendants pursuant to a grand jury subpoena; and IRS spread sheets.

Defendant: 44 exhibits for defendant

**DEFENSES:** General Denial/ Reliance

**POSSIBLE DISPOSITION:**

( X ) Definitely for trial; ( ) Possibly for trial; ( ) Likely a plea will be worked out

**TRIAL TIME:** Government estimates: 3-4 days with stipulations, 5 days without stipulations; Defense estimates 3 days without Rule 404(b) evidence; 1- 1 ½ weeks if Rule 404(b) evidence is admitted.

Government's case including jury selection: 1 ½ days with stipulations; 4 days without stipulations

Defense case: 2-3 days without Rule 404(b) evidence; 6 days if Rule 404(b) evidence is admitted.

**STIPULATIONS:** The parties are working on various stipulations which have been proposed by both sides.

**UNUSUAL QUESTIONS OF LAW:** Defense counsel believes that the government will seek to exclude the testimony of former IRS employees as well as testimony explaining certain IRS forms. In addition defense counsel anticipates argument over the jury instructions and particularly those instructions dealing with reliance.

**FILING DEADLINES:**

**Witness and Exhibit List**

Government: Friday before the pretrial conference

Defense: Friday before the pretrial conference

**Counsel are requested to list witnesses in alphabetical order on their witness list.**

**Exhibit Index, Voir Dire, Jury Instructions: Noon, Wednesday April 18, 2007**

**Please Note:** Jury instructions must comply with Local Rule 51.1

**Motion in Limine:** Defendants' Motion In Limine and Motion to Strike Prejudicial Surplusage In Indictment (doc #51)

**TRIAL SETTING:** Criminal jury trial docket commencing April 23, 2007.

**IT IS SO ORDERED.**

\_\_\_\_\_/s/\_\_\_\_\_  
SARAH W. HAYS  
United States Magistrate Judge